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Thomas D Franklin Townsend and Townsend and Crew LLP 8th Floor Two Embarcadero Center San Francisco, CA 94111-3834			BATES, KEVIN T	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/664,294

Filing Date: September 18, 2000

Appellant(s): RACIBORSKI ET AL.

Melissa A. Haapala
Registration No. 47,622
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 11, 2005.

REAL PARTY IN INTEREST

1. The appellants' statement of the real party in interest contained in the brief is correct.

RELATED APPEALS AND INTERFERENCES

2. The appellants' statement of the related appeals and interferences contained in the brief is correct.

STATUS OF THE CLAIMS

3. The appellants' statement of the status of the claims contained in the brief is correct.

STATUS OF AMENDMENT AFTER FINAL

4. The appellants' statement of the status of amendments after final rejection contained in the brief is correct.

SUMMARY OF CLAIMED SUBJECT MATTER

5. The appellants' statement of the concise explanation of the subject matter defined in each of the independent claims and for each dependent claim argued separately contained in the brief is correct.

GROUND OF REJECTION TO BE REVIEWED UPON APPEAL

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

CLAIMS APPENDIX

The copy of the appealed claims contained in the Appendix to the brief is correct.

EVIDENCE RELIED UPON

6516337	Tripp et. al.	2-2003
6418452	Kraft et. al.	7-2002

GROUNDS OF REJECTION

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tripp (6516337) in view of Kraft (6418452).

Regarding claim 1, Tripp discloses a directory (a central catalog) which has a first conduit between the directory and a first site; a second conduit between the directory and a second site (Column 5, lines 47 – 51, where the network functions as the conduit); a receiver function (Column 5, lines 36 – 38, where the central catalog gets object references from the web hosts) to accept: a first local catalog of directory information from the first site and a second local content catalog of directory information from the second site (Column 5, lines 38 – 45, where the brochure files have information to describe and characterize the website); a global catalog of directory information that comprises the first local catalog and the second local catalog (Column 5, lines 36 – 38, where there is a central catalog that contains all the object/brochure file references); and a first timer (Column 10, lines 9 – 11, where there is an implied timer to

tell the system to periodically check for brochures), wherein the first local catalog is removed from the global catalog if the first site fails to communicate within a time period (Column 10, lines 11 – 15; Column 5, lines 38 – 42, where the time period includes a number of clock cycles of periodic checking of brochures).

Tripp does not explicitly indicate that the first site should autonomously report in.

Kraft teaches a web site repository (Column 2, lines 15 – 18), where the global catalog has web sites report in updates to the repository (Column 5, lines 41 – 49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Kraft's teachings of having websites report modifications to the master repository or global catalog of changes so that the server knows to look at the site for those updates, thus increasing the efficiency of data mining (Column 2, lines 30 – 39).

Regarding claim 2, Tripp discloses the idea that the first site and second site respectively reports the first local catalog and second local catalog to the receiver function according to a predetermined schedule (Column 6, lines 40 – 44, the information is transmitted at a scheduled time).

Regarding claim 3, Tripp discloses that the first conduit and the second conduit each comprise the Internet (Column 5, lines 12 – 14).

Regarding claim 4, Tripp discloses the idea that the first and second local catalogs provide location information for a plurality of content objects (Column 5, lines 15 – 25, where the brochure file is an object reference).

Regarding claim 5, Tripp discloses the idea that the location information comprises at least a file name (Column 6, lines 13 – 14) and an address (Column 5, lines 14 – 15, where the brochure file is an object reference that points to a location or address where the object is found).

Regarding claim 6, Tripp discloses the idea of a second timer wherein: the second local catalog is removed from the global catalog if the second site fails to autonomously respond before the second timer expires (Column 10, lines 11 – 15, where the central catalog finds looks for all the brochure files and keeps track separately which brochure file has not been found).

Regarding claim 7, Tripp discloses a directory web page that is coupled to the global catalog, the directory web page adapted for display to a user, the directory web page organizing at least a plurality of content objects include in the global catalog by categories (Column 9, lines 57 – 60, the central catalog has a brochure database which has searchable data fields to search and display results to the users; Column 32, line 66 – Column 33, line 25, which describes the way a user can use the central catalog and brochure database over the web to search and see displayed results).

Regarding claim 21, Tripp discloses that the first directory information includes a content objects selected for publication to the third directory information by an administrator of the first site (Column 9, line 62 – Column 10, line 4, where the web site administrator controls the contents of the brochure file)

Regarding claim 8 and 15, see the rationale for the rejection to claim 1.

Regarding claim 9 and 16, see the rationale for the rejection to claim 2.

Regarding claim 10 and 17, see the rationale for the rejection to claim 3.

Regarding claim 12 and 18, see the rationale for the rejection to claim 4.

Regarding claim 13 and 19, see the rationale for the rejection to claim 5.

Regarding claim 14 and 20, see the rationale for the rejection to claim 6.

Regarding claim 15, see the rationale for the rejection to claim 7.

ARGUMENTS

6. The examiner summarizes the various points raised by the appellant and addresses replies individually.

With regards to claims 1, 8, and 15, Applicant argues the “brochure file” in the Tripp reference does not equate to the local catalog in the claimed invention.

In response, the examiner respectfully submits:

The local catalog as described in the specification on page 12, lines 19 – 28 is “an Object file name and path stored with category information, a brief description and keywords.” In the reference, Tripp, a brochure file is described as “conceptual or non-keyword data about the site, such as demographics and categorization information related to one or more parts of the web site” (Tripp, col. 5 41:43). Those brochure files are gathered to create a central catalog, or an index of the metadata (Id. Column 5. 12:20). So the brochure files contains all the information about the local site and it is located on and used to catalog that site in a central catalog. Tripp also describes that the brochure file contains object references to the object (Id, Column 5 14:19). So the

brochure file contained in the reference, Tripp, meets the definition of the local catalog described in the specification so it can be considered a local catalog.

With regards to claims 1, 8, and 15, Applicant argues that the combination or the references does not disclose removing the brochure file is not removed upon expiration of a timer associated with a site reporting in, but instead describes removing the brochure file when it is missing from the web site.

In response, the examiner respectfully submits:

The reference, Tripp, discloses that the system periodically checks to make sure the brochure file is still located at the web site, and if, after a certain time period, the brochure file is not located at the web site, the file is removed from the central catalog (Tripp, Col. 10 9:15). So Tripp discloses having a time period and if the brochure file is not found in that time period, it discloses removing the file from the central catalog, but Tripp does not indicate having the web site report in the brochure file nor was Tripp relied on for that feature. Kraft discloses an analogous piece of art where a master repository keeps track of a plurality of web sites and discloses that the web sites are in charge of "reporting in" to the master server instead of always having the master server check on the web site (Kraft, Col 5 41-49) and the motivation to use Kraft's teachings would increase the efficiency of Tripp's system by saving the system resources by knowing more information about motivations before any search would have to be made to the web site thus increasing the efficiency by preventing wasted resources checking for dead and non-updated servers (Kraft, Col 2 30-39; Col 5 65-Col 6 3). So the combination of Tripp and Kraft shows that Tripp discloses periodically identifying a brochure file and if its not located after a certain period of time it is deleted, and with the improvement of Kraft that the information in the brochure file (information about the web

site) should be reported into the master repository at the periodic intervals instead of checking the website for the file that contains the information about the web site.

With regards to claims 1, 8, and 15, Applicant argues that the reference, Kraft does not mention or suggests that the web servers autonomously report in modification information.

In response, the examiner respectfully submits:

The reference, Kraft discloses that the web server can automatically send in registration messages to one or more repository services automatically (Kraft, Col. 5 29-33) and in addition is able to send modification information to those repository services (Kraft, Col 5 39-46) so it can be seen that Kraft is capable of automatically messaging the master repository with registration and modification information.

With regards to claims 1, 8, and 15, Applicant argues that the combination is made in a piecemeal fashion and that none of the references discloses the entire specified action of removing catalog information from a global catalog upon the occurrence of the condition that the site fails to autonomously report in.

In response, the examiner respectfully submits:

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The combination states that Tripp discloses periodically identifying a brochure file and if its not located after a certain period of time it is deleted, and with the improvement of Kraft that the information in the brochure file (information about the web

site) should be reported into the master repository at the periodic intervals instead of checking the website for the file that contains the information about the web site.

With regards to claim 7, Applicant argues that the reference, Tripp does not indicate a web page adapted for display to a user.

In response, the examiner respectfully submits:

Tripp discloses that the master repository includes a search engine that allows users to enter search terms and receive results of those searches, which inherently must have a display part so that the user can actually enter the terms and see the achieved results (Tripp, Col. 32 66 – Col 33. 25).

7. For the above reasons, it is respectfully submitted that the rejections should be sustained.

Respectfully Submitted,

KB
January 9, 2006

CONFeree:



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